

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA,
Plaintiff,

v.

AUDI PINEDA,
Defendant.

C.A. No. 23-CR-114-JJM-LDA

ORDER

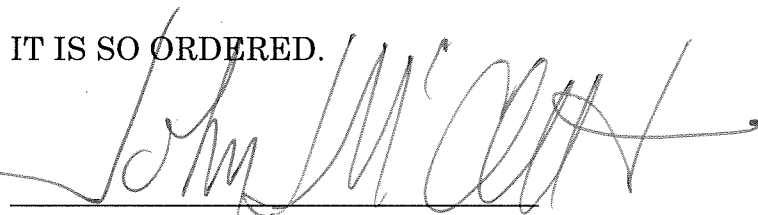
Defendant Audi Pineda is currently detained at the Wyatt Detention Center on four counts in a Superceding Indictment. At his arraignment, he rejected a court appointed counsel and decided to proceed *pro se*. As the case proceeds to trial, the government requested a *Faretta* hearing, and one was scheduled and noticed for April 3, 2025. The United States Marshall Service (“USMS”) reported from Wyatt that morning that Mr. Pineda refused to leave his cell to attend the *Faretta* hearing. USMS advised the Court that officers did not recommend an extraction procedure at this time for a variety of reasons and the Court took that advice.

The Court conducted a recorded hearing in Mr. Pineda’s absence and concluded that the trial clock on the counts in the Superceding Indictment would stop in accordance with the Speedy Trial Act, 18 U.S.C. § 3161(h)(3)(A) (“resulting from the absence or unavailability of the defendant”) and (B) (“a defendant. . . shall be considered absent when his whereabouts are unknown and, in addition, he is attempting to avoid apprehension or prosecution *** a defendant . . . shall be considered unavailable whenever his whereabouts are known but his presence for

trial cannot be obtained by due diligence or he resists appearing at or being returned for trial.”), which essentially states that the clock stops when a defendant is unavailable because he resists appearing for court. In this instance, Mr. Pineda’s refusal to attend Court today was him purposeless absenting himself from the Court for prosecution of his case.

Mr. Pineda is ordered to appear in Court when the Court next notices and docket a hearing in his case.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "John J. McConnell, Jr.", written over a horizontal line.

John J. McConnell, Jr.
Chief United States District Judge

April 3, 2025